

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Lisa Biron)	
)	
v.)	No. 12-cr-140-PB
)	
United States of America)	

GOVERNMENT’S RESPONSE TO MOTION TO CORRECT JUDGMENT

Defendant Lisa Biron has pointed out a variance between the orally pronounced sentence and the written judgment pertaining to a supervised release condition. The Court stated that the “defendant shall not directly or indirectly contact the victim or any person under the age of 18 except in the presence of a responsible adult who is aware of the nature of the defendant’s background and current offense and who has been approved by the probation officer.” Docket Number 54 at 77. The written judgment, on the other hand, states that defendant “may not directly or indirectly contact the victim or any child under age 18.”

When there is a variance between the oral sentence and the written judgment, the oral sentence controls. United States v. Valencia, 17 F. Appx. 9 (1st Cir. 2001). This Court has jurisdiction under Fed. R. Crim. P. 36 to correct an error in the written judgment. United States v. Spencer, 513 F.3d 490, 491 (5th Cir. 2008). The United States does not object to the Court correcting the supervised release condition in the written judgment to comport with the oral pronouncement of sentence.

Dated: February 20, 2020

Respectfully submitted,
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CERTIFICATE OF SERVICE

I hereby certify that a copy of this response has been forwarded this date via first class mail to Lisa Biron, #12775-049, FCI, PO Box 1731, Waseca, MN 56093.

/s/ Seth R. Aframe
Seth R. Aframe, AUSA